

COMBINED DECLARATION/POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled APPARATUS AND METHOD FOR IDENTIFICATION OF INDIVIDUALS BY NEAR-INFRARED SPECTRUM, the specification of which (check one):

is attached hereto

was filed on October 8, 1999
as U.S. Application
Serial No. 09/415,594

and was amended on (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefit(s) under Title 35, United States Code §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Prior Foreign Application(s)

Number :
Country :
Day/Month/Year Filed :
Priority (yes/no) :

Number :
Country :
Day/Month/Year Filed :
Priority (yes/no) :

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) as listed below:

Provisional Application No. :
Filing Date :

Provisional Application No. :
Filing Date :

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international applications designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 and that which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No. :
Filing Date :
Status (patented, pending, abandoned) :

Application Serial No. :
Filing Date :
Status (patented, pending, abandoned) :

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

David M. Crompton, Reg. No. 36,772;
Glenn M. Seager, Reg. No. 36,926;
Brian N. Tufte, Reg. No. 38,638;
Craig F. Taylor, Reg. No. 40,199;
Robert E. Atkinson, Reg. No. 36,433;
Michael A. Kondzella, Reg. No. 18,013; and
Allen W. Groenke, Reg. No. 42,608.

Send correspondence to:

David M. Crompton
CROMPTON, SEAGER & TUFTE, LLC
331 Second Avenue South, Suite 895
Minneapolis, Minnesota 55401-2246
(612) 677-9050

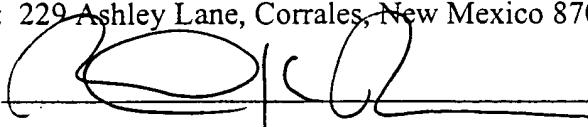
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, I further declare that I understand the content of this declaration.

Full name of sole or first inventor: Robert K. Rowe

Residence: 229 Ashley Lane, Corrales, New Mexico 87048

Citizenship: US

Post Office Address: 229 Ashley Lane, Corrales, New Mexico 87048

Inventor's Signature 

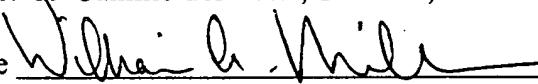
Date 12/11/99

Full name of second or joint inventor: William A. Miller

Residence: 39 Camino del Valle, Santa Fe, NM 87501

Citizenship: US

Post Office Address: 39 Camino del Valle, Santa Fe, NM 87501

Inventor's Signature 

Date 12/11/99

Full name of third or joint inventor: Nanxiang Ge

Residence: 2 Tulip Drive, Newtown, PA 18940

Citizenship: Peoples Republic of China

Post Office Address: 2 Tulip Drive, Newtown, PA 18940

Inventor's Signature 

Date Dec 1st, 1999

Full name of fourth or joint inventor: Mark Ries Robinson

Residence: 1415 Calle de Ranchero NE, Albuquerque, NM 87100

Citizenship: US

Post Office Address: 1415 Calle de Ranchero NE, Albuquerque, NM 87100

Inventor's Signature 

Date Dec 17, 1999

1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section.

The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or
- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT	Application Number	09/415,594
	Filing Date	October 8, 1999
	First Named Inventor	Robert K. Rowe
	Group Art Unit	2621
	Examiner Name	Werner, Brian P.
	Attorney Docket Number	020204-001400US

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

A Power of Attorney or Authorization of Agent is submitted herewith.

OR

Please change the correspondence address for the above-identified application to:

Customer Number

Place Customer
Number Bar Code
Label here

OR

Firm or
Individual Name

Address

Address

City

Country

State

ZIP

Telephone

Fax

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.
Certificate under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name Robert K. Rowe, Chief Technology Officer
Lumidigm, Inc.

Signature

Date

11-14-01

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of one form is submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.
DE 7087192 v1

Please type a plus sign (+) inside this box →

PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY OR
AUTHORIZATION OF AGENT**

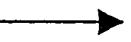
Application Number	09/415,594
Filing Date	October 8, 1999
First Named Inventor	Robert K. Rowe
Title	APPARATUS AND METHOD FOR IDENTIFICATION OF INDIVIDUALS BY NEAR-INFRARED SPECTRUM
Group Art Unit	2621
Examiner Name	Werner, Brian P.
Attorney Docket Number	020204-001400US

I hereby appoint:

Practitioners at Customer Number

OR

Practitioner(s) named below:

<input type="text"/>		 20350 PATENT TRADEMARK OFFICE
Name	Registration Number	
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

The above-mentioned Customer Number.

OR

Practitioners at Customer Number



<input type="checkbox"/> Firm or Individual Name			
Address			
Address			
City	State	ZIP	
Country			
Telephone	Fax		

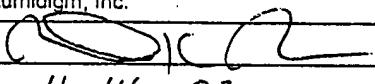
I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name	Robert K. Rowe, Chief Technology Officer Lumidigm, Inc.
Signature	
Date	11-14-02

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of one form is submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark

Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents,
Washington, DC 20231.
DE 7087191 v1

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Robert K. Rowe

Application No./Patent No.: 09/415,594

Filed/Issue Date: October 8, 1999

Entitled: APPARATUS AND METHOD FOR IDENTIFICATION OF INDIVIDUALS BY NEAR-INFRARED SPECTRUM

Lumidiqm, Inc.

a Delaware corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is ____ %

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel ____, Frame ____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Robert K. Rowe et al. To : Rio Grande Medical Technologies, Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel 010501, Frame 0170, or for which a copy thereof is attached.

2. From: Rio Grande Medical Technologies, Inc. To : Lumidiqm, Inc.

The document will be recorded in the United States Patent and Trademark Office, for which a copy thereof is attached.

3. From: _____ To : _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

11-14-07

Date

Robert K. Rowe

Typed or printed name

Signature

Chief Technology Officer

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DE 7087190 v1

Please type a plus sign (+) inside this box →

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

09/832,534; 09/415,594; 09/874,740

Filing Date

See attached

First Named Inventor

Robert K. Rowe

Group Art Unit

Examiner Name

Attorney Docket Number

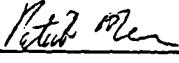
020204-001300US 001400

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Assignment Papers <i>(for an Application)</i>	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 201420.

PREVIOUS FILED

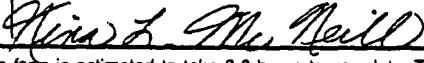
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Patrick M. Boucher	Reg. No. 44,037
Signature		
Date	November 14, 2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: U.S. Patent and Trademark Office, CG4 Third Floor, Assignment Branch, 1213 Jefferson Davis Highway, Arlington, VA 22202 on this date:

November 14, 2002

Typed or printed name	Nina L. McNeill
Signature	
Date	November 14, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DE 7087224 v1

FEE TRANSMITTAL

for FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 120)

Complete if Known	
Application Number	09/832,534; 09/415,594; 09/874,740
Filing Date	See attached
First Named Inventor	Robert K. Rowe
Examiner Name	
Group Art Unit	
Attorney Docket No.	020204-0614300US 001400

METHOD OF PAYMENT (check all that apply)

Check Credit Card MoneyOrder Other None
 Deposit Account:

Deposit Account Number **20-1430**

Deposit Account Name **Townsend and Townsend and Crew LLP**

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 740	2001 370	Utility filing fee	
1002 330	2002 185	Design filing fee	
1003 510	2003 255	Plant filing fee	
1004 740	2004 370	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fees from below	Fee Paid
Total Claims		X	
Independent Claims		X	
Multiple Dependent	X		

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$)

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)			
1051 130	2051 65		Surcharge - late filing fee or oath	
1052 50	2052 25		Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130		Non-English specification	
1812 2,520	1812 2,520		For filing a request for reexamination	
1804 920*	1804 920*		Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*		Requesting publication of SIR after Examiner action	
1251 110	2251 55		Extension for reply within first month	
1252 400	2252 200		Extension for reply within second month	
1253 920	2253 460		Extension for reply within third month	
1254 1,440	2254 720		Extension for reply within fourth month	
1255 1,960	2255 980		Extension for reply within fifth month	
1401 320	2401 160		Notice of Appeal	
1402 320	2402 160		Filing a brief in support of an appeal	
1403 280	2403 140		Request for oral hearing	
1451 1,510	1451 1,510		Petition to institute a public use proceeding	
1452 110	2452 55		Petition to revive – unavoidable	
1453 1,280	2453 640		Petition to revive – unintentional	
1501 1,280	2501 640		Utility issue fee (or reissue)	
1502 460	2502 230		Design issue fee	
1503 620	2503 310		Plant issue fee	
1460 130	1460 130		Petitions to the Commissioner	
1807 50	1807 50		Petitions related to provisional applications	
1806 180	1806 180		Submission of Information Disclosure Stmt	
8021 40	8021 40		Recording each patent assignment per property (times number of properties)	120
1809 740	2809 370		Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 740	2810 370		For each additional invention to be examined (37 CFR § 1.129(b))	
1801 740	2801 370		Request for Continued Examination (RCE)	
1802 900	1802 900		Request for expedited examination of a design application	
Other fee (specify)				

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$120)

SUBMITTED BY

Complete if applicable

Name (Print/Type)	Patrick M. Boucher	Registration No. (Attorney/Agent)	44,037	Telephone	303-571-4000
Signature	<i>Patrick M. Boucher</i>			Date	November 14, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. DE 7087226 v1

Form PTO-1595

(Rev. 03-01)
OMB No. 0651-0027 (exp. 5/31/2002)

Recordation Form Cover Sheet

PATENTS ONLYU.S. Department of Commerce
U.S. Patent and Trademark Office

Tab settings

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

Rio Grande Medical Technologies, Inc.

Additional name(s) of conveying parties attached? Yes No

3. Nature of conveyance:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Assignment | <input type="checkbox"/> Merger |
| <input type="checkbox"/> Security Agreement | <input type="checkbox"/> Change of Name |
| <input type="checkbox"/> Other: _____ | |

Execution Date: October 16, 2002 and October 17, 2002

4. Application number(s) or patent number(s).

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No(s):

09/415,594
09/832,534
09/874,740

B. Patent No(s):

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Patrick M. Boucher
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(303) 571-4000

6. Total number of applications and patents involved 3

7. Total fee (37 CFR 3.41): \$120.00

 Enclosed Authorized to be charged to deposit account

8. Deposit account number: 20-1430

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.

Patrick M. Boucher

Name of Person Signing
Atty. Reg. No. 44,037

Signature

November 14, 2002

Date

Total number of pages including cover sheet, attachments and document

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks, Box Assignments
Washington, D.C. 20231

ASSIGNMENT

WHEREAS, Rio Grande Medical Technologies, Inc., a New Mexico corporation with its principal offices located at 800 Bradbury S.E., Suite 218, Albuquerque, New Mexico 87106, U.S.A., owns all rights, title and interest in the following Biometric Patent Properties:

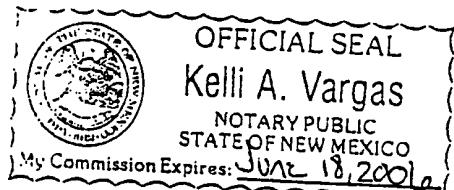
<u>U.S. Serial No.</u>	<u>Filing Date</u>	<u>Title of Application</u>
09/415,594	October 8, 1999	Apparatus and Method for Identification of Individuals by Near-Infrared Spectrum
09/832,534	April 11, 2001	Apparatus and Method of Biometric Identification or Verification of Individuals Using Optical Spectroscopy
09/874,740	June 5, 2001	Apparatus and Method of Biometric Determination Using Specialized Optical Spectroscopy Systems

WHEREAS, Lumidigm, Inc., a Delaware corporation with its principal offices located at 800 Bradbury S.E., Suite 213, Albuquerque, New Mexico 87106, U.S.A.;

NOW, THEREFORE, to all whom it may concern, be it known that pursuant to the parties' prior agreement, Rio Grande Medical Technologies, Inc., has assigned and transferred, subject to certain reservations expressed in the prior agreement, the entire right, title and interest in the Biometric Patent Properties disclosed above, Lumidigm CIP's as defined in the prior agreement and divisional applications thereof, and foreign counterparts that correspond to such applications, and the patents that issue from such applications, including but not limited to letters patent and utility models, including any extension, substitution, registration, confirmation, reissue, re-examination or renewal thereof, and the foreign counterparts that correspond to such patents to the extent valid and enforceable rights are granted by a governmental authority thereunder.

The parties hereto acknowledge that they have specifically requested the present agreement to be drawn up in the English language.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 16th day of October, 2002.



Rio Grande Medical Technologies, Inc.

M. R. NC mo

(Assignor)

By:

Title: President & CCO

STATE OF New Mexico)
) ss.

COUNTY OF Bernalillo)

On this 16 day of October, 2002, before me personally appeared M. R. NC Robinson to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Kelli A. Vargas
Notary Public

IN TESTIMONY WHEREOF, I have hereunto set my hand this 17th day of October, 2002.



Lumidigm, Inc.

R.M. Harbour (Assignee)

By:

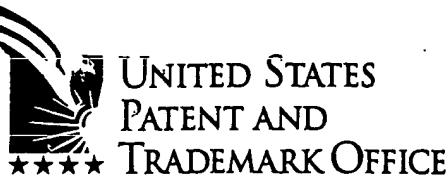
Title:

STATE OF New Mexico)
) ss.

COUNTY OF Bernalillo)

On this 17 day of October, 2002, before me personally appeared R.M. Harbour to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Kelli A. Vargas
Notary Public



UNITED STATES
PATENT AND
TRADEMARK OFFICE

REC'D 001500 US
APR 14 2003 001300 US
020204-001400 US PMB

MARCH 31, 2003

PTAS

TOWNSEND AND TOWNSEND AND DREW LLP
PATRICK M. BOUCHER
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111-3834

Under Secretary of Commerce For Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov



102297489A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER
REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY
CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.
PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,
ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/25/2002

REEL/FRAME: 013522/0869

NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

RIO GRANDE MEDICAL TECHNOLOGIES,
INC.

DOC DATE: 10/16/2002

ASSIGNEE:

LUMIDIGM, INC.
800 BRADBURY S.E., STE. 213
ALBUQUERQUE, NEW MEXICO 87106

SERIAL NUMBER: 09415594
PATENT NUMBER:

FILING DATE: 10/08/1999
ISSUE DATE:

SERIAL NUMBER: 09832534
PATENT NUMBER:

FILING DATE: 04/11/2001
ISSUE DATE:

SERIAL NUMBER: 09874740
PATENT NUMBER:

FILING DATE: 06/05/2001
ISSUE DATE:

013522/0869 PAGE 2

VIOLET MCCOY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

NOV 25 2002

12-02-2002

001400
Attorney Docket No. 020204-001300US

Form PTO-1595
(Rev. 08/01/2002)
OMB No. 0651-0027 (exp. 5/31/2002)

Tab settings ↡ ↢ ↣

102297489

Sheet

U.S. Department of Commerce
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

Rio Grande Medical Technologies, Inc.

Additional name(s) of conveying parties attached? Yes No

3. Nature of conveyance:

- Assignment Merger
 Security Agreement Change of Name
 Other: _____

2. Name and address of receiving party(ies)

Name: Lumidigm, Inc.

Internal Address: 800 Bradbury S.E., Suite 213

Street Address: 800 Bradbury S.E., Suite 213

City: Albuquerque State: NM ZIP: 87106

Additional names and addresses attached? Yes No

Execution Date: October 16, 2002 and October 17, 2002

4. Application number(s) or patent number(s).

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No(s):

09/415,594
09/832,534
09/874,740

B. Patent No(s):

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Patrick M. Boucher
 TOWNSEND AND TOWNSEND AND CREW LLP
 Two Embarcadero Center, 8th Floor
 San Francisco, California 94111-3834
 (303) 571-4000

6. Total number of applications and patents involved 3

7. Total fee (37 CFR 3.41): \$120.00

 Enclosed Authorized to be charged to deposit account

8. Deposit account number: 20-1430

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.

Patrick M. Boucher

Name of Person Signing
Atty. Reg. No. 44,037

Pat M

Signature

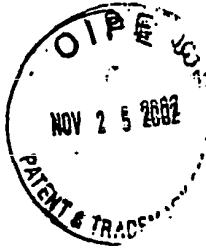
November 14, 2002

Date

Total number of pages including cover sheet, attachments and document

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks, Box Assignments
Washington, D.C. 20231



ASSIGNMENT

WHEREAS, Rio Grande Medical Technologies, Inc., a New Mexico corporation with its principal offices located at 800 Bradbury S.E., Suite 218, Albuquerque, New Mexico 87106, U.S.A., owns all rights, title and interest in the following Biometric Patent Properties:

<u>U.S. Serial No.</u>	<u>Filing Date</u>	<u>Title of Application</u>
09/415,594	October 8, 1999	Apparatus and Method for Identification of Individuals by Near-Infrared Spectrum
09/832,534	April 11, 2001	Apparatus and Method of Biometric Identification or Verification of Individuals Using Optical Spectroscopy
09/874,740	June 5, 2001	Apparatus and Method of Biometric Determination Using Specialized Optical Spectroscopy Systems

WHEREAS, Lumidigm, Inc., a Delaware corporation with its principal offices located at 800 Bradbury S.E., Suite 213, Albuquerque, New Mexico 87106, U.S.A.;

NOW, THEREFORE, to all whom it may concern, be it known that pursuant to the parties' prior agreement, Rio Grande Medical Technologies, Inc., has assigned and transferred, subject to certain reservations expressed in the prior agreement, the entire right, title and interest in the Biometric Patent Properties disclosed above, Lumidigm CIP's as defined in the prior agreement and divisional applications thereof, and foreign counterparts that correspond to such applications, and the patents that issue from such applications, including but not limited to letters patent and utility models, including any extension, substitution, registration, confirmation, reissue, re-examination or renewal thereof, and the foreign counterparts that correspond to such patents to the extent valid and enforceable rights are granted by a governmental authority thereunder.

The parties hereto acknowledge that they have specifically requested the present agreement to be drawn up in the English language.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 16th day of October, 2002.



Rio Grande Medical Technologies, Inc.

M. R. N. C. mo (Assignor)
By:
Title: President & CEO

STATE OF New Mexico)
) ss.

COUNTY OF Bernalillo)

On this 16 day of October, 2002, before me personally appeared M. R. N. C. mo to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Kelli A. Vargas
Notary Public

IN TESTIMONY WHEREOF, I have hereunto set my hand this 17th day of October, 2002.



Lumidigm, Inc.

R. M. Harboan (Assignee)
By:
Title:

STATE OF New Mexico)
) ss.

COUNTY OF Bernalillo)

On this 17 day of October, 2002, before me personally appeared R. M. Harboan to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Kelli A. Vargas
Notary Public



DG

PATENT
P5883 US
0045.0046

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Examiner: Not Yet Assigned
F. Chong, Jr. et al.)
Serial No.: 10/104,923)
Filed: March 21, 2002) Art Unit: 2152
For: MESSAGE ROUTING IN A)
TORUS INTERCONNECT)
)
)
)

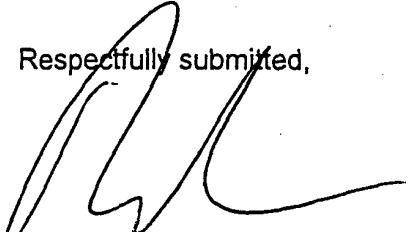
Assistant Commissioner of Patents
Washington, D.C. 20231

TRANSMITTAL OF RESUBMITTED ASSIGNMENT

Dear Sirs:

In response to your Notice of Non-Recordation dated October 22, 2002, a copy of which is attached, enclosed please find a new Recordation Form Cover Sheet and the Assignment Documents for the subject application.

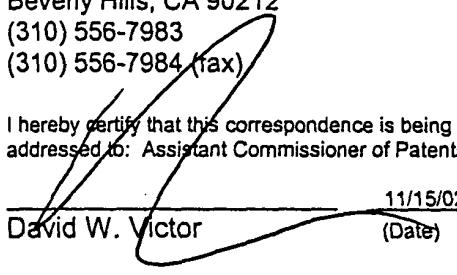
Respectfully submitted,



David W. Victor
Registration No. 39,867
KONRAD RAYNES VICTOR & MANN, LLP
315 S. Beverly Drive, Suite 210
Beverly Hills, CA 90212
(310) 556-7983
(310) 556-7984 (fax)

Dated: November 15, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on November 15, 2002.



11/15/02
David W. Victor
(Date)



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APRIL 05, 2000

PTAS

CROMPTON, SEAGER & TUFTE, LLC
DAVID M. CROMPTON
331 SECOND AVENUE SOUTH, SUITE 895
MINNEAPOLIS, MN 55401



101252378A

UNITED STATES PATENT AND TRADEMARK OFFICE
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THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/27/1999

REEL/FRAME: 010501/0170
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
ROWE, ROBERT K.

DOC DATE: 12/17/1999

ASSIGNOR:
MILLER, WILLIAM A.

DOC DATE: 12/14/1999

ASSIGNOR:
GE, NANXIANG

DOC DATE: 12/03/1999

ASSIGNOR:
ROBINSON, MARK R.

DOC DATE: 12/17/1999

ASSIGNEE:
RIO GRANDE MEDICAL TECHNOLOGIES,
INC.
800 BRADBURY S.E., SUITE 217
ALBUQUERQUE, NEW MEXICO 87106

SERIAL NUMBER: 09415594
PATENT NUMBER:

FILING DATE: 10/08/1999
ISSUE DATE:

PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

MAY
12/27/99To the Honor
Please record the attached or forward documents(s) or copy thereof.

101252378

ademarks:
or copy thereof.

1. Name of conveying party(ies):

Robert K. Rowe
 William A. Miller
 Nanxiang Ge
 Mark R. Robinson

2. Name and address of receiving party(ies):

Name: Rio Grande Medical Technologies, Inc.

Internal Address: _____

Additional name(s) of conveying party(ies)

attached? Yes No

Street Address: 800 Bradbury S.E., Suite 217

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other _____

City: Albuquerque State: New Mexico ZIP: 87106

Execution Date: December 17, 1999; December 14, 1999;
December 3, 1999; and December 17, 1999

Additional name(s) & addresses attached?

 Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)
09/415,594

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

6. Total number of applications and patents involved: 1

Name: CROMPTON, SEAGER & TUFTE, LLC

7. Total fee (37 CFR 3.41). \$40.00

Address: 331 Second Avenue South, Suite 895
Minneapolis, MN 55401

X Enclosed
 o Authorized to be charged to deposit account

8. Deposit Account Number: 50-0413
(Attach duplicate copy of this page if paying by deposit account)

01/27/2000 DNGUYEN 00000112 09415594

DO NOT USE THIS SPACE

01 FC:581

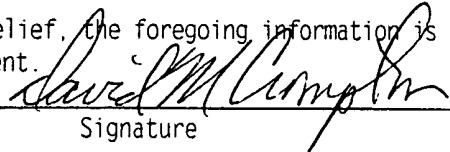
40.00 DP

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

David M. Crompton

Name of Person Signing


Signature

12/23/99

Date

Total number of pages comprising cover sheet, attachments and document: 4

ASSIGNMENT

WHEREAS, Robert K. Rowe residing at 229 Ashley Lane, Corrales, NM 87048; William A. Miller residing at 39 Camino del Valle, Santa Fe, NM 87501; Nanxiang Ge residing at 2 Tulip Drive, Newtown, PA 18940; and Mark R. Robinson, residing at 1415 Calle de Ranchero NE, Albuquerque, NM 87106 have made certain new and useful inventions and improvements for which they have executed an application for Letters Patent of the United States, which is entitled APPARATUS AND METHOD FOR IDENTIFICATION OF INDIVIDUALS BY NEAR-INFRARED SPECTRUM, filed on October 8, 1999, as U.S. Serial No. 09/415,594;

AND WHEREAS, Rio Grande Medical Technologies, Inc., a corporation organized and existing under and by virtue of the laws of the State of New Mexico, and having a business address of 800 Bradbury S.E., Suite 217, Albuquerque, New Mexico 87106 is desirous of acquiring the entire right, title and interest in and to said inventions, improvements, application, and Letters Patent to be obtained therefor;

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned and transferred, and by these presents do sell, assign and transfer unto said Rio Grande Medical Technologies, Inc., its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents to issue any and all United States Letters Patent for the aforesaid inventions and improvements to said Rio Grande Medical Technologies, Inc., its successors and assigns.

AND, for the consideration aforesaid, we do hereby agree that our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any other documents, and will communicate to said Rio Grande Medical Technologies, Inc., its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable to more effectually secure to and vest in Rio Grande Medical Technologies, Inc., its successors or assigns the entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore, we, Robert K. Rowe, William A. Miller, Nanxiang Ge, and Mark R. Robinson covenant and agree with said Rio Grande Medical Technologies, Inc., its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us and that full right to convey the same as herein expressed is possessed by us.

The parties hereto acknowledge that they have specifically requested the present agreement to be drawn up in the English language.

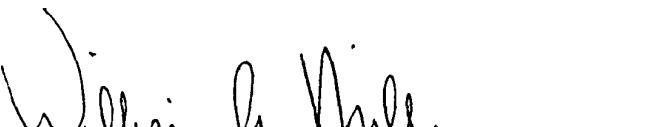
IN TESTIMONY WHEREOF, I have hereunto set my hands this 17 day of December, 1999


Robert K. Rowe

STATE OF New Mexico)
COUNTY OF Bernalillo) ss.

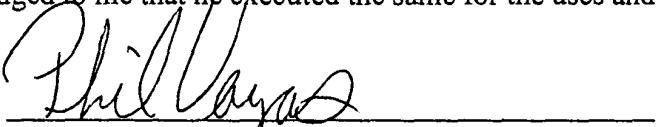
On this 17 day of December, 1999, before me personally appeared Robert K. Rowe to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.


Linda C. Stein
Notary Public
Expiration - 1-19-02


William A. Miller

STATE OF New Mexico)
COUNTY OF Santa Fe) ss.

On this 14th day of December, 1999, before me personally appeared William A. Miller to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.


Phil Vargas
Notary Public



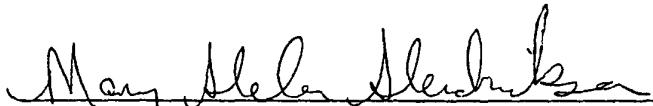
OFFICIAL SEAL
PHIL VARGAS
NOTARY PUBLIC-STATE OF NEW MEXICO
My Comm. Expires 5/15/02



Nanxiang Ge

STATE OF New Jersey)
) ss.
COUNTY OF Mercer)

On this 3 day of December, 1999, before me personally appeared Nanxiang Ge to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

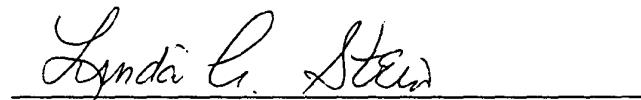

Notary Public

MARY HELEN HENDRICKSON
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Feb. 4, 2003


Mark R. Robinson

STATE OF New Mexico)
)
COUNTY OF Bernalillo)

On this 17 day of December, 1999, before me personally appeared Mark R. Robinson to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.


Notary Public
Expiration - 1-19-02